

By: Raymond

H.B. No. 4546

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the exemption of an attorney from licensing
3 requirements for bail bond sureties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1704.163(a), Occupations Code, is
6 amended to read as follows:

7 (a) Except as provided by this section, a person not
8 licensed under this chapter may execute a bail bond or act as a
9 surety for another person in any county in this state if the person:

10 (1) is licensed to practice law in this state;

11 (2) submits a sworn financial statement to the
12 sheriff;

13 (3) possesses the financial resources to execute the
14 bail bond or act as a surety;

15 (4) complies with the security requirements of Section
16 1704.160; and

17 (5) [~~(2)~~] at the time the bond is executed or the
18 person acts as a surety:

19 (A) [~~7~~] files a notice of appearance as counsel
20 of record in the criminal case for which the bond was executed or
21 surety provided or submits proof that the person has previously
22 filed with the court in which the criminal case is pending the
23 notice of appearance as counsel of record; and

24 (B) presents an affidavit signed by the principal

1 that states that the principal has signed a contract retaining the
2 person as counsel for the criminal case for which the bond was
3 executed or surety provided.

4 SECTION 2. The change in law made by this Act applies only
5 to a bail bond executed or a person who acts as a surety on or after
6 the effective date of this Act. A bail bond executed or a person who
7 acts as a surety before the effective date of this Act is governed
8 by the law in effect on the date the bail bond was executed or the
9 person acted as a surety, and the former law is continued in effect
10 for that purpose.

11 SECTION 3. This Act takes effect September 1, 2009.